



General Assembly

Substitute Bill No. 1145

January Session, 2013



AN ACT CONCERNING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT AND THE CONDOMINIUM ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-458 of the general statutes is amended by
2 adding subsection (c) as follows (*Effective October 1, 2013*):

3 (NEW) (c) An association's board of directors, as defined in section
4 47-68a, or executive board, as defined in section 47-202, shall ensure
5 that any community association manager under contract to provide
6 association management services to an association provides such
7 services in full compliance with the association's bylaws, as well as the
8 provisions of chapter 825 or 828, as applicable.

9 Sec. 2. Subdivision (5) of subsection (b) of section 47-250 of the
10 general statutes is repealed and the following is substituted in lieu
11 thereof (*Effective October 1, 2013*):

12 (5) Unless [the meeting is included in a schedule given to the unit
13 owners or the] a meeting is called to deal with an emergency, the
14 secretary or other officer specified in the bylaws shall give notice of
15 each executive board meeting to each board member and to the unit
16 owners. The notice shall be given at least five days before the meeting
17 and shall state the time, date, place and agenda of the meeting, except
18 that notice of a meeting called to adopt, amend or repeal a rule shall be

19 given in accordance with subsection (a) of section 47-261b.

20 Sec. 3. Subsection (c) of section 47-252 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2013*):

23 (c) Except as otherwise provided in the declaration or bylaws, the
24 following requirements apply with respect to proxy voting:

25 (1) Votes allocated to a unit may be cast pursuant to a directed or
26 undirected proxy duly executed by a unit owner;

27 (2) The association may provide a proxy form to any unit owner
28 who seeks to vote pursuant to a directed or undirected proxy. No
29 proxy form provided by an association pursuant to this subdivision
30 shall include the name of the proxy holder, unless the unit owner
31 requests that the name of the proxy holder be included on the proxy
32 form;

33 ~~[(2)]~~ (3) If a unit is owned by more than one person, each owner of
34 the unit may vote or register protest to the casting of votes by the other
35 owners of the unit through a duly executed proxy;

36 ~~[(3)]~~ (4) A unit owner may revoke a proxy given pursuant to this
37 section only by actual notice of revocation to the person presiding over
38 a meeting of the association;

39 ~~[(4)]~~ (5) A proxy is void if it is not dated or purports to be revocable
40 without notice;

41 ~~[(5)]~~ (6) A proxy terminates one year after its date, unless it specifies
42 a shorter term; and

43 ~~[(6)]~~ (7) A person may not cast votes representing more than fifteen
44 per cent of the votes in the association pursuant to undirected proxies.

45 Sec. 4. Subdivision (1) of subsection (a) of section 47-260 of the
46 general statutes is repealed and the following is substituted in lieu

47 thereof (*Effective October 1, 2013*):

48 (1) Detailed records of receipts and expenditures affecting the
49 operation and administration of the association and other appropriate
50 accounting records, including, but not limited to, records relating to
51 reserve accounts;

52 Sec. 5. Subsection (d) of section 47-255 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2013*):

55 (d) Insurance policies carried pursuant to subsections (a) and (b) of
56 this section shall provide that: (1) Each unit owner is an insured person
57 under the policy with respect to liability arising out of his interest in
58 the common elements or membership in the association; (2) the insurer
59 waives its right to subrogation under the policy against any unit owner
60 or member of his household; and (3) no act or omission by any unit
61 owner, unless acting within the scope of his authority on behalf of the
62 association, will void the policy or be a condition to recovery under the
63 policy. [; and (4) if, at the time of a loss under the policy, there is other
64 insurance in the name of a unit owner covering the same risk covered
65 by the policy, the association's policy provides primary insurance.]

66 Sec. 6. Section 47-253 of the general statutes is amended by adding
67 subsection (e) as follows (*Effective October 1, 2013*):

68 (NEW) (e) No member of the executive board or officer of the
69 association shall be criminally liable for any conduct performed on
70 behalf of the association which is within the scope of such member's or
71 officer's authority.

72 Sec. 7. (NEW) (*Effective October 1, 2013*) No member of a board of
73 directors, as defined in section 47-68a of the general statutes, or officer,
74 as defined in section 47-68a of the general statutes, shall be criminally
75 liable for any conduct performed by the member or officer on behalf of
76 the association of unit owners, as defined in section 47-68a of the
77 general statutes, which is within the scope of such member's or

78 officer's authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	20-458
Sec. 2	<i>October 1, 2013</i>	47-250(b)(5)
Sec. 3	<i>October 1, 2013</i>	47-252(c)
Sec. 4	<i>October 1, 2013</i>	47-260(a)(1)
Sec. 5	<i>October 1, 2013</i>	47-255(d)
Sec. 6	<i>October 1, 2013</i>	47-253
Sec. 7	<i>October 1, 2013</i>	New section

JUD *Joint Favorable Subst.*